

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA TRYSON

v.

ALLSTATE INSURANCE CO.

:
:
:
:
:
:
:

CIVIL ACTION

NO. 02-4811

ORDER

AND NOW, this 5th day of August, 2004, following a conference with counsel for the parties, it is ORDERED that:

1. A JURY trial for the above-captioned case shall be held on **Monday, September 13, 2004, at 9:30 a.m.**, in a courtroom to be determined, United States District Court, 601 Market Street, Philadelphia, PA 19106.

2. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and pre-marked for use at trial; no exhibit shall be listed unless it is already in the possession of opposing counsel. Only specifically listed exhibits may be used in the party's case-in-chief except by leave of court.

Counsel for each party shall serve upon counsel for the other party on or before **Friday, September 3, 2004**:

- (A) a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;
- (B) curriculum vitae for each expert witness expected to testify; and
- (C) a specific identification of each discovery item expected to be offered into evidence.

Counsel shall also provide the Court with **two** copies of all of these items on or before **Friday, September 3, 2004**.

As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given on or before **Friday, September 3, 2004**.

All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of court. Any party who intends to use deposition testimony at trial must submit deposition designations, counter-designations and objections on or before **Friday, September 3, 2004**.

Any other pretrial or trial matter requiring attention of the judge prior to trial, shall be specifically addressed in the final pretrial conference.

3. The final pretrial conference is scheduled for **Thursday, September 9, 2004**, at **9:30 p.m.**, in Room 17613, United States District Court, 601 Market Street, Philadelphia, PA 19106. Lead Trial Counsel must attend. It is the responsibility of any trial counsel who cannot

attend to contact the court as soon as any conflict becomes known so the court may consider rescheduling the conference. Unless the court has otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, each plaintiff and defendant or, in the case of a corporate party, a representative with full authority to settle the case shall attend. Telephone availability is not acceptable unless leave of court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

4. All Motions in Limine, including any questions regarding the extent to which calling as a witness a member of the bar that had previously represented one of the parties abrogates the attorney-client privilege, shall be filed on or before **Friday, August 27, 2004**. Responses thereto are due on or before **Tuesday, August 31, 2004**.

5. Plaintiff shall propose stipulated facts and submit those proposed stipulated facts to Defendant on or before **Monday, August 30, 2004**. Defendant shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts on or before **Friday, September 3, 2004**. Plaintiff is obligated to respond prior to the final pretrial conference on **Thursday, September 8, 2004**.

6. On or before **Friday, September 3, 2004**, after meeting and conferring, the parties shall jointly submit proposed jury voir dire questions, jury interrogatories, verdict sheets, and proposed jury instructions. The Parties shall individually submit any proposed questions,

interrogatories, sheets, or instructions upon which the parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in paper form and on computer disk to the Court.

7. On or before **Friday, September 3, 2004**, the relevant party shall submit **two** additional copies of the following:

- (A) Answer;
- (B) Complaint;
- (C) Pretrial Memorandum;
- (D) Stipulated Facts;
- (E) Proposed Jury Voir Dire Questions;
- (F) Proposed Jury Interrogatories;
- (G) Proposed Jury Instructions; and
- (F) Proposed Verdict Sheet.

9. A **final Settlement Conference** will be held before **The Honorable Thomas J. Reuter** on **Tuesday, August 10, 2004**, at **1:30 p.m.** in **Room 3038**, United States District Court, 601 Market Street, Philadelphia, PA 19106. Lead Trial Counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact the court as soon as any conflict becomes known so the court may consider rescheduling the conference. Unless the court has otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, each plaintiff and defendant or, in the case of a corporate party, a

representative with full authority to settle the case shall attend. Telephone availability is not acceptable unless leave of court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

BY THE COURT:

Paul S. Diamond, J.